



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, OCTOBER 20, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Teacher Aid Coalition
Ray Jimenez and Roger Beaulieu

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-11

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **APPROVE FINAL MAP FOR COYOTE ESTATES PHASE IX (TRACT 9577)**.....
Recommended Action(s): **Authorize** the Recordation of the Map Following Recordation of the Development Improvement Agreement.
2. **PUBLIC WORKS LANDSCAPE MAINTENANCE AGREEMENT FOR FISCAL YEAR 2004-2006**.....
Recommended Action(s):
 1. **Approve** the New Maintenance Agreement for City-Wide Landscape Services; and
 2. **Authorize** the City Manager to Execute the Agreements on Behalf of the City.
3. **APPROVAL OF REIMBURSEMENT AGREEMENT WITH CHARLES WESTON & LESLEY MILES FOR MODIFYING THE CURB INLET ON DEPOT STREET AT EAST MAIN AVENUE (ST. CATHERINE'S DAY WORKER CENTER)**.....
Recommended Action(s):
 1. **Approve** an Appropriation of \$6,370 from the Current Year Unappropriated Measure C-Capital Improvement Project Fund Balance for Reimbursement of Relocating and Raising the Curb Inlet on Depot Street at East Main Avenue; and
 2. **Authorize** the City Manager to Execute the Reimbursement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.
4. **MEMBERSHIP IN INDEPENDENT CITIES LEASE FINANCE AUTHORITY (ICLFA)**.....
Recommended Action(s): **Adopt** Resolution Authorizing the City Manager to do Everything Necessary to Execute the Associate Membership Agreement with ICLFA.

Time Estimate
Consent Calendar: 1 - 10 Minutes

Page

5. [APPOINTMENT TO THE SANTA CLARA COUNTY HOUSING & COMMUNITY DEVELOPMENT CITIZEN ADVISORY COMMISSION](#).....
Recommended Action(s):
 1. **Approve** the Mayor's Appointment of Laura Brunton as the City Council's Citizen Representative to the Santa Clara County Housing & Community Development's Citizen Advisory Commission; and
 2. **Direct** the City Clerk's Office to Notify the Santa Clara County Housing & Community Development Department of Said Appointment.
6. [APPOINT ERIC F. GOULD TO FILL A VACANCY ON THE MOBILE HOME RENT COMMISSION](#).....
Recommended Action(s): **Approve** Mayor's Appointment of Eric F. Gould to Fill a Citizen at Large Vacancy on the Mobile Home Rent Commission, with Term Ending June 1, 2005.
7. [CONSIDER REQUEST FROM THE MORGAN HILL KIWANIS CLUB TO WAIVE/FUND SPECIAL EVENT PERMIT FEES](#).....
Recommended Action(s): **Agree** to Pay the \$125 Special Events Permit Fee for the Holiday Parade.
8. [ESTABLISH NEW CLASSIFICATION AND SALARY RANGE FOR NEW POSITION OF MULTI-SERVICE OFFICER \(MSO\)](#).....
Recommended Action(s): **Adopt** the New Job Description and Salary Range for the Position of Multi-Service Officer (MSO) in the Police Department.
9. [ADOPT ORDINANCE NO. 1699, NEW SERIES](#).....
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1699, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-03: DEWITT-LATALA FOR APPLICATION MMP 03-06: DEWITT-LATALA. (APN 773-08-012).**
10. [ADOPT ORDINANCE NO. 1700, NEW SERIES](#).....
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1700, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL EXTENDING AND MODIFYING ORDINANCE NO. 1641, NEW SERIES, ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING.**
11. [APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 6, 2004](#).....

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 12

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

12. [APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 6, 2004](#).....

City Council Action

OTHER BUSINESS:

Time Estimate

Page

13. 15 Minutes [SAN MARTIN LOCAL DECISION-MAKING ACTIVITIES](#).....

Recommended Action(s):

1. **Receive** Presentation from the San Martin Neighborhood Alliance (SMNA) Incorporation Committee on San Martin's Local Decision-Making Activities;
2. **Consider** SMNA Incorporation Committee's Request to Adopt a Resolution in Support of LAFCO Starting the Incorporation Process Investigations; and
3. **Direct** Staff to Return with a Resolution Supporting SMNA Incorporation Committee's Efforts for Incorporation.

14. 10 Minutes [CONSIDER PROCEDURES TO RESOLVE TIE VOTE\(S\)](#).....

Recommended Action(s):

1. **Receive** and **File** the Staff Report, Thus Allowin A Tie Vote of Two or More Persons Receiving an Equal and Highest Number of Votes to Be Resolved by Lot;

OR

2. **Adopt** Resolution, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at Any Municipal Election.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY COUNCIL STAFF REPORT

MEETING DATE: OCTOBER 20, 2004

APPROVE FINAL MAP FOR FOR COYOTE ESTATES PHASE IX (TRACT 9577)

RECOMMENDED ACTION(S):

- 1) Authorize the recordation of the map following recordation of the Development Improvement Agreement

EXECUTIVE SUMMARY: Tract 9577 is a 5 lot subdivision located on the north side of Cochrane Road within the Coyote Estates development (see attached diagram). The developer has completed all the conditions specified by the Planning Commission in the approval of the Tentative Map on May 25, 2004.

The developer has furnished the City with the necessary documents to complete the processing of the Final Map and has made provision with a Title Company for the recordation of the Final Map.

FISCAL IMPACT: Development review for this project is from development processing fees.

Agenda Item # 1

Prepared By:

Senior Engineer

Approved By:

Public Works Director

Submitted By:

City Manager



CITY COUNCIL STAFF REPORT

MEETING DATE: October 20, 2004

PUBLIC WORKS LANDSCAPE MAINTENANCE AGREEMENT FOR FY 2004-2006

RECOMMENDED ACTION(S):

1. Approve new maintenance agreement for City-wide Landscape Services.
2. Authorize the City Manager to execute the agreements on behalf of the City.

EXECUTIVE SUMMARY: On July 7, 2004 Council authorized the City Manager to execute an agreement on behalf of the City with Commercial Environment Landscape (CEL) to provide city-wide landscape services of our City Parks, Fox Hollow-Murphy Springs Landscape and Lighting District Maintenance Sub-areas, and Arterial Medians, in the amount of \$61,500 per year for 2 years. Effective October 1, 2004 the agreement was terminated by mutual consent.

FloraTerra Landscape Management provided the second lowest bid. They have provided services for the city in the past and currently provide services at the Community and Cultural Center and the Aquatics Center. Staff has been satisfied with their work and recommends approval of this contract based upon the rates submitted. (\$66,000/yr, 2 years)

FISCAL IMPACT: Funding exists for the first year of this agreement in the FY 2004-05 budgets of the Streets, Parks, and Landscape & Lighting District Divisions.

Agenda Item # 2

Prepared By:

Management Analyst

Approved By:

Department Director

Submitted By:

City Manager



CITY COUNCIL STAFF REPORT

MEETING DATE: *October 20, 2004*

APPROVAL OF REIMBURSEMENT AGREEMENT WITH CHARLES WESTON & LESLEY MILES FOR MODIFYING THE CURB INLET ON DEPOT STREET AT EAST MAIN AVENUE (ST. CATHERINE'S DAY WORKER CENTER)

RECOMMENDED ACTION:

1. Approve an appropriation of \$6,370 from the current year unappropriated Measure C – Capital Improvement Project fund balance for reimbursement of relocating and raising the curb inlet on Depot Street at East Main Avenue.
2. Authorize the City Manager to execute the Reimbursement Agreement on behalf of the City subject to review and approval by the City Attorney.

EXECUTIVE SUMMARY: Charles Weston and Lesley Miles are developing the St. Catherine's Day Worker Center at 17590 Depot Street (see attached location map). In conjunction with the off-site improvements for the project, the developer has been conditioned to modify an existing curb inlet on Depot Street at East Main Avenue. This modification is beyond the scope of work for the project therefore, the developer is requesting reimbursement from the City for all costs associated with raising the curb inlet. The cost for raising the curb inlet including a 10% contingency is \$6,370.

Staff recommends that Council approve the developer's reimbursement request.

FISCAL IMPACT: The \$6,370 cost for relocating and raising the curb inlet will be funded with unappropriated 346 (Measure C – Capital Improvement Project) funds.

Agenda Item # 3

Prepared By:

Assistant Engineer

Approved By:

Public Works Director

Submitted By:

City Manager



CITY COUNCIL STAFF REPORT
MEETING DATE: *October 20, 2004*

Agenda Item # 4

Submitted By:

BAHS Director

Approved By:

City Manager

**MEMBERSHIP IN INDEPENDENT CITIES LEASE FINANCE
AUTHORITY (ICLFA)**

RECOMMENDED ACTIONS: Adopt the resolution authorizing the City Manager to do everything necessary to execute the associate membership agreement with ICLFA.

EXECUTIVE SUMMARY: Over the last several months, staff has been working with the residents of Hacienda Mobile Home Park and Millennium Housing to explore the purchase of the mobile home park by Millennium Housing, a non-profit housing corporation. Millennium Housing is under contract with the park owner to purchase the park and has received approval from the park residents to proceed with the sale.

Millennium Housing finances the purchase of mobile home parks with tax exempt bond financing and typically works with a city to use the Independent Cities Lease Finance Authority to issue the bonds. ICFLA is a Joint Powers Authority (JPA) which is an independent governmental entity made up of several cities and counties. ICFLA is authorized to finance mobile home parks in cooperation with qualified non-profit organizations.

In order to initiate such financing with ICLFA, the City must become an associate member. ICFLA has 49 counties and cities listed as associate members. Associate members do not assume any obligations or liabilities of ICFLA nor will the City bear any financial obligation or liability for any tax-exempt bonds to be issued by ICFLA.

This action does not constitute the City's approval of financing for the park purchase. The public hearing to approve ICFLA's issuance of indebtedness is scheduled for the City meeting on October 27, 2004. At that time, the Redevelopment Agency will also consider a request for financial assistance from Millennium Housing for the park purchase.

FISCAL IMPACT: None at this time.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING ASSOCIATE MEMBERSHIP AGREEMENT WITH THE INDEPENDENT CITIES LEASE FINANCE AUTHORITY AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, certain cities of the State of California (collectively, the “Members”) have entered into a Joint Powers Agreement Creating the Independent Cities Lease Finance Authority (the “Joint Powers Agreement”), establishing the Independent Cities Lease Finance Authority (the “Authority”) and prescribing its purposes and powers, and providing, among other things, for associate members of the Authority (an “Associate Member”);

WHEREAS, the Authority has been formed for the purpose, among others, of assisting its Members and Associate Members in the raising of capital to finance the capital improvement needs of Local Agencies (as defined in the Joint Powers Agreement), to provide for home mortgage financing with respect to those Members or Associate Members that are either a city or a county of the State of California, to provide financing in connection with the improvement, construction, acquisition, creation, rehabilitation and preservation of affordable housing within the boundaries of the Members and Associate Members, and to provide financing in accordance with the provisions of applicable law in connection with other projects and programs that are in the public interest and which benefit Members and Associate Members including making loans to tax-exempt organizations from the proceeds of mortgage revenue bonds to finance the acquisition of multi-family rental housing, including mobilehome parks, under the provisions of Chapter 8 of Part 5 of Division 31 (commencing with Section 52100) of the Health and Safety Code;

WHEREAS, the City of Morgan Hill (the “City”) desires to become an Associate Member of the Authority as provided in the Associate Membership Agreement, in the form on file with the City Clerk:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morgan Hill as follows:

Section 1. Approval of Associate Membership Agreement. This City Council hereby approves the City’s membership in the Authority as an Associate Member and authorizes the City Manager to execute and the City Clerk to attest the Associate Membership Agreement, in substantially the form on file with the City Clerk, pursuant to which the City shall become an Associate Member of the Authority.

Section 2. Official Actions. The City Manager is hereby authorized and directed to take all actions and do all things necessary or desirable hereunder with respect to the Associate Membership Agreement, including but not limited to, the execution and delivery of any and all agreements, certificates, instruments and other documents which they, or any of them, may deem necessary or desirable and not inconsistent with the purposes of this Resolution.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 20th Day of October, 2004 by the following vote.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

🦉 CERTIFICATION 🦉

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Regular Meeting held on October 20, 2004.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk



CITY COUNCIL STAFF REPORT
OCTOBER 20, 2004

Agenda Item # 5

Prepared By:

**Council Services &
Records Manager**

Submitted By:

City Manager

**APPOINTMENT TO THE SANTA CLARA COUNTY
HOUSING & COMMUNITY DEVELOPMENT CITIZEN
ADVISORY COMMISSION**

RECOMMENDED ACTION(S):

1. Approve the Mayor's appointment of Laura Brunton as the City Council's Citizen Representative to the Santa Clara County Housing & Community Development's Citizen Advisory Commission
2. Direct the City Clerk's Office to Notify the Santa Clara County Housing & Community Development Department of said appointment.

EXECUTIVE SUMMARY:

On January 21, 2001, the City Council appointed Arlene Greenberg as the City of Morgan Hill's citizen representative to the Santa Clara County Housing & Community Development's (County HCD) Citizen Advisory Committee. This Committee advises the County HCD Council Committee on issues related to the Community Development Block Grant Program Funding. After over three years of dedicated service, Arlene Greenberg has notified staff that she will no longer be able to serve as the City of Morgan Hill's representative on this Citizen Advisory Committee.

Laura Brunton has expressed an interest and willingness to represent the City on this Citizen Advisory Committee. The Mayor supports Ms. Brunton's appointment to this Committee and requests that the Council approve this appointment.

Should the Council approve of the Mayor's appointment, the City Clerk's Office will contact County HCD to notify them of Ms. Brunton's appointment.

FISCAL IMPACT: No Fiscal Impact.



CITY COUNCIL STAFF REPORT

MEETING DATE: October 20, 2004

Agenda Item # 6

Prepared By:

**Council Services &
Records Manager/
City Clerk**

Submitted By:

City Manager

APPOINT ERIC F. GOULD TO FILL A VACANCY ON THE MOBILE HOME RENT COMMISSION

RECOMMENDED ACTION:

Approve Mayor's Appointment of Eric F. Gould to fill a Citizen At Large Vacancy on the Mobile Home Rent Commission, Term Ending June 1, 2005

EXECUTIVE SUMMARY:

The Mobile Home Rent Commission consists of a City Council-appointed 5-member Advisory Commission whose charge is to monitor the performance of the City's Mobile Home Rent Stabilization Ordinance. The make up of this Commission is as follows: one (1) mobile home park owner representative; one (1) mobile home park tenant representative; and three (3) at large members.

On September 22, 2004, the City Council interviewed Eric F. Gould to fill a vacancy created by the resignation of Mark Moore from the Mobile Home Rent Commission. Mayor Kennedy is recommending the appointment of Mr. Gould to the Commission and is requesting that the Council approve this appointment. Should the Council concur with Mr. Gould's appointment, his appointment would be as one of the "at large appointments" with a term ending June 1, 2005. Prior to the June 1, 2005 date, Mr. Gould will be invited to submit an application for reappointment.

FISCAL IMPACT: No budget adjustment is required.



CITY COUNCIL STAFF REPORT

MEETING DATE: October 20, 2004

Agenda Item # 7

Prepared By:

**Council Services &
Records Manager/
City Clerk**

Submitted By:

City Manager

CONSIDER REQUEST FROM THE MORGAN HILL KIWANIS CLUB TO WAIVE/FUND SPECIAL EVENT PERMIT FEES

RECOMMENDED ACTION(S): Agree to Pay the \$125 Special Events Permit for the Holiday Parade

EXECUTIVE SUMMARY:

The City Council has received a request from Barbara Kimmich, on behalf of the Morgan Hill Kiwanis Club, to waive the \$125 Special Events Permit for the Holiday Parade scheduled for December 4, 2004.

Last year, the Council agreed to pay for the Special Events Permit for the Holiday Parade from the Council's Community Promotion's budget as this was a community-wide event, specifically from the funds allocated for Youth Empowered for Success activities. As the Council knows, the Community Promotion budget was reduced this fiscal year to address the City's fiscal constraints. The Council adopted a fiscal year 2004-05 Community Promotions budget of \$11,400, a \$6,000 reduction from the fiscal year 2003-04 adopted budget. The \$11,400 funding has not been earmarked toward any specific activity(ies).

Staff is not recommending that the Council waive the Special Events Permit fee as it would set a precedent for other requests by non profits and would be contrary to the Council's cost recovery policy. The Council can fund the \$125 from the Community Promotions funding source as it did last year, should the Council wish to assist the Kiwanis Club with the Holiday Parade.

FISCAL IMPACT: Should the Council agree to fund the Special Event Permit, \$125 can be charged to the Council's Community Promotion budget (010-42248-1220), reducing this budget line item to \$11,275 for other Council sponsored events.



CITY COUNCIL STAFF REPORT

MEETING DATE: *October 20, 2004*

ESTABLISH NEW CLASSIFICATION AND SALARY RANGE FOR NEW POSITION OF MULTI-SERVICE OFFICER (MSO)

RECOMMENDED ACTION(S):

Adopt the attached new job description and salary range for the position of Multi-Service Officer (MSO) in the Police Department.

EXECUTIVE SUMMARY:

The Police Department has determined that a high-priority need for them at this time is to augment officer duties with a classification of Multi-Service Officer. The Department will benefit from having civilian employees who can absorb various duties that would otherwise be assigned to sworn officers. By definition, the Multi-Service Officer works under the general direction of the patrol watch commander to provide support to Field Operations, Special Operations and Support Services Division as assigned. The MSO's will provide armed transportation of arrestees to local jail facilities per Penal Code 831.5. Their main focus, initially, will be to book, manage, and transport prisoners as needed. They will be trained and available for crime scene processing and act as the liaison between the county crime lab and the Police Department to ensure accuracy and completeness. MSO's will also be responsible to handle animal calls if the Animal Control Officer is unavailable and complete cold reports where no suspect information is available.

A study was conducted by the Human Resources Department to evaluate the duties of the proposed position and to determine an appropriate salary range. Staff is recommending a classification and salary range for the position of Multi-Service Officer as outlined in Attachments A and B.

Staff has met and conferred on this position with CSOA, which will represent this classification. CSOA is supportive of the job description and salary range.

FISCAL IMPACT:

None. The cost for these positions will be covered by already budgeted grant funds.

LIST OF ATTACHMENTS:

ATTACHMENT A

Proposed Classification Specification for Multi-Service Officer (MSO)

ATTACHMENT B

Proposed Salary Range for Multi-Service Officer (MSO)

Agenda Item # 8

**Prepared/Approved
By:**

(Title)

Submitted By:

City Manager

MULTI- SERVICE OFFICER

DEFINITION:

Under general supervision, is a civilian employee who provides selected aspects of general law enforcement services to the community which does not require the legal powers of a sworn police officer.

CLASS CHARACTERISTICS:

This is a civilian custodial law enforcement classification. Principal duties include response to non-hazardous calls for service, booking and armed transportation of prisoners, reporting and follow up of selected crimes and other non-criminal incidents, parking and vehicle abatement enforcement, traffic control, assisting in crime prevention activities, assisting in animal control duties, and other law enforcement services and duties as required. A significant degree of initiative, independent judgment, and discretion is required. The ability to positively interact with community members and professionals from other government agencies is required of incumbents to develop, maintain and successfully perform this customer service position. Supervision is under the general direction of the on-duty watch commander.

IMPORTANT AND ESSENTIAL DUTIES:

- 1. Complete bookings on arrestees, including but not limited to fingerprinting, photographs, booking, and medical form completion.**
- 2. Assist in maintenance of jail security to include routine periodic prisoner checks.**
- 3. Maintain accurate records and write accurate incident or crime reports.**
- 4. Direct traffic at emergency or congested situations.**
- 5. Transport prisoners to County jail**
- 6. Assist with crime prevention, public education, and acts in collaboration with other community organizations.**
- 7. Perform parking enforcement and abandoned vehicle abatement duties.**
- 8. Assist in animal control officers duties.**
- 9. Conduct follow up of selected investigations and assist in locating missing juveniles.**

10. Collect and assemble information as may be required to assist in criminal investigations.
11. Collect and assist in packaging evidence at crime scenes as directed.
12. Utilize computer equipment to access information and complete reports.
13. Serve subpoenas
14. Perform related duties as assigned.

OTHER JOB RELATED DUTIES:

1. Performs other related duties as assigned.

PHYSICAL DEMANDS:

1. **Standing:** Multi-Service Officers stand while taking police reports, communicating with citizens at the front counter, and also in the scope of confirming warrants at the warrant index file. Standing is also required while contacting citizens during the normal course of duty. They also stand while performing vehicle abatement duties.
2. **Walking:** They walk while in the police facility on police business such as filing a report, attending briefings or during training programs. Multi-Service Officers walk to and from a home, business or other site where they are performing field duties.
3. **Sitting:** They may sit in a vehicle for extended periods while performing field duties. They also sit while conducting training or performing office tasks and report writing at the police facility.
4. **Stooping/Bending:** Stooping and bending are necessary in the scope performing duties in the field or in the police facility. Due to the amount of electronic, radio and computer equipment in the facility the majority of book and manual shelves are below waist height. Stooping and bending may also be required while performing field duties such as evidence collection and assisting in the investigation of other incidents.
5. **Lifting:** On occasion it might be necessary to assist a Police Officer in carrying a passive non-compliant prisoner. Multi-Service Officers may have to lift items of evidence or recovered stolen property such as television sets, computers, stereos, bicycles etc.
6. **Carrying:** This would be the same as lifting. Multi-Service Officers may be required to carry moderately heavy objects while working on special assignments.
7. **Pushing/Pulling:** Multi-Service Officers may find it necessary to push and pull large

manuals in and out of below waist level book cases while in a standing and/or in a sitting position. Pushing and pulling may also be required while working on special assignments processing property or evidence and vehicle abatement. On occasion it may be necessary to assist an officer to drag an unconscious or intoxicated prisoner.

8. **Balancing:** Multi- Service Officers may find it necessary to maintain balance while reaching for and placing items on storage shelves or book cases.
9. **Climbing:** Climbing small ladders or foot stools may be necessary when reaching for and placing items on storage shelves, book cases, or filing cabinets. Climbing stairs, fences and ladders would be necessary when performing animal control and evidence processing duties.
10. **Twisting/Turning:** Twisting and turning would be required when conducting traffic control or other field duties. Multi- Service Officers may find it necessary to assume awkward positions when placing a prisoner in a transport vehicle.
11. **Kneeling:** Kneeling would be necessary to maintain function ability of computer printers, and retrieve and replace resource material from low level book shelves. Kneeling may also be required while collecting property and evidence, or during other field duties.
12. **Reaching:** Multi-Service Officers will be required to reach during the operation of radio equipment. Reaching would be necessary to retrieve and replace resource material from low level book shelves.
13. **Manual Dexterity:** It is necessary for Multi-Service Officers to handle radio equipment, telephones, and typing at computer keyboards possibly while driving a vehicle at the same time.
14. **Speed:** Multi-Service Officers work at their own pace. However, during emergency conditions, Multi-Service Officers must respond to multiple calls for service and increased radio traffic. This may place extraordinary physical demands on the Multi-Service Officers to maintain efficient and acceptable performance.
15. **Talking/Hearing:** It is essential for Multi-Service Officers to have the ability to talk and hear normally since they must be in constant communication on the radio with police officers and the communications center regarding police or fire service. They need to know the police radio code system and have the ability to listen and write and/or type at the same time.
16. **Seeing:** Good vision is a requirement of the job. Multi-Service Officers need to be alert at all times for any visual hazard involved in providing traffic control and other related field duties. A full spectrum of color vision is required to differentiate colored traffic signals, persons clothing descriptions or other objects of evidence they may encounter.

17. **Running:** Running may be required of the Multi-Service Officer in the event of a prisoner escape or during animal control duties. The employee might also run to the aid of a collision victim or injured officer.
18. **Pushing with Feet:** Pushing with feet may be required while working in the police facility. All chairs in the center are on wheeled base. It is necessary to be able to push or propel the chair with your feet while moving about the police facility during the normal course of duties.

ENVIRONMENTAL CONDITIONS:

1. **Temperature / Weather:** Multi-Service Officers assigned to field assignments can be exposed to all types of weather conditions. They may be exposed to very cold, damp or wet conditions outside at night or very hot and dry conditions during the day. Multi-Service Officers also work within the police facility in a temperature controlled environment and out of inclement weather except in the event of emergency or special event.
3. **Noise/Vibration:** Multi-Service Officers are exposed to the noise of the police radio, normal outdoor noise, and various noises of emergency vehicles working at traffic collisions or other emergency scenes. Employees may respond to loud yelling or cries for assistance while working inside the detention facility.
4. **Hazards:**
 - a. **Electrical:** Working with equipment requires constant diligence in reporting wire breaks, malfunctions, and any liquid spills, which may result in electrical shock.
 - b. **Mechanical:** Working special assignments may require Multi-Service Officers to perform traffic related duties. There is a possibility of being hit by an automobile while directing traffic.
 - c. **Explosives:** Multi-Service Officers seldom, if ever, work in an environment involving explosives.
 - d. **Biohazards:** Multi-Service Officers may come into contact with a variety of unknown drugs which may enter the system by inhalation or through skin pores. While working special assignments, they may also be exposed to contagious diseases through contact with infected persons. Diseases may be transmitted to Multi-Service Officers by handling blood stained clothing as evidence.
 - e. **Other:** The work of Multi-Service Officers may be dangerous. Multi-Service Officers take charge of arrestees at the city jail and transport them to the County Jail in a police vehicle. While performing routine duties the employee may start in

a seated and docile position and then respond in a highly energized fashion. Multi-Service Officers may also be physically injured while assisting officers with traffic collision victims.

ATMOSPHERIC CONDITIONS:

1. **Fumes:** Multi-Service Officers may be exposed to fumes from illegal drug paraphernalia booked into evidence.
2. **Mist:** Multi-Service Officers may be exposed to early morning mist while working special assignments.
3. **Gases:** Multi-Service Officers may be exposed to the odor of gasoline while refueling a vehicle. Multi-Service Officers may be trained to carry tear gas or pepper spray in conjunction with special assignments.
4. **Ventilation:** Multi-Service Officers are required to perform part of their duties in the police facility with mechanical ventilation.
5. **Odors:** Multi-Service Officers assigned to collect and process evidence/property may be exposed potentially hazardous odors from illegal crime lab paraphernalia.
6. **Dust:** Multi-Service Officers are exposed to normal and environmental dust throughout their careers.

FLOOR SURFACES:

1. Multi-Service Officers stand on a variety of surfaces while performing their jobs. These include cement, linoleum, tile, carpet, asphalt, uneven dirt fields, and gravel among others.

MACHINES/TOOLS/EQUIPMENT UTILIZED/HANDLED:

1. Vehicle
2. Communications Trailer
3. Motorola radio equipment
4. Portable two-way radios
5. Keys to a variety of city locks
6. Report forms, pencils and pens
7. Car and station computers/printers
8. Copy machines
9. Fax machines
10. Citation books
11. Tape recorders/video cameras
12. Chemical agent weapons
13. Gasoline pumps
14. Misc. Office equipment

15. Firearm

QUALIFICATIONS

Knowledge of:

- 1. Basic law enforcement terminology and concepts.**
- 2. Basic report writing.**
- 3. Interpersonal communications techniques for dealing with varied groups of people particularly in emergency situations.**
- 4. Laws, codes and ordinances relevant to assigned duties**
- 5. Department and City policies and general orders**

Skill in:

- 1. Communicating verbally in a clear and effective manner.**
- 2. Obtaining accurate information from individuals in non-emergency and emergency situations.**
- 3. Handling multiple activities simultaneously while maintaining attention to detail.**
- 4. Understanding and following oral and written directions.**
- 5. Exercising sound, independent judgment within established guidelines.**
- 6. Performing various civilian support services in an efficient and effective manner.**
- 7. Maintaining accurate records and preparing clear and concise reports and materials.**
- 8. Establishing and maintaining effective working relationships with those contacted in the course of the work.**

Ability to:

- 1. Operate radio and telephone equipment, following departmental and F.C.C. regulations.**
- 2. Quickly learn the policies, procedures and performance standards pertaining to the work.**
- 3. Think and act quickly in emergencies and evaluate situations and people accurately.**
- 4. Learn to operate automated police information systems.**
- 5. Perform various law enforcement support work.**

6. Safely drive a motor vehicle.
7. Safely operate a firearm.
8. Maintain care and custody of prisoners.

OTHER REQUIREMENTS:

1. Must be at least 20 years of age at time of appointment.
2. Graduation from high school or equivalent.
3. Must be willing to work various hours, rotating shifts, weekends and holidays.
4. Must be able to meet state standards for accessing criminal history information as determined by a comprehensive background and psychological examination.
5. Must possess a valid California Drivers License and have a satisfactory driving record.
6. Obtain and maintain a valid first aid/CPR certification upon hire.
7. Qualify with department authorized firearms for prisoner transport duties.
8. Must attend a 160 hour corrections academy course within one year from date of hire.
9. Must complete the required 832 PC class within 90 days of hire.
10. Must satisfactorily complete a 200 hour field training program upon hire.

EXHIBIT B**SALARY SCHEDULE**

Morgan Hill Community Service Officers Association

Effective 6/20/04

POSITION	A	B	C	D	E	F
Lead Public Safety Dispatcher	\$4,487.11	\$4,711.47	\$4,947.04	\$5,194.39	\$5,454.11	\$5,726.82
Public Safety Dispatcher	\$4,273.37	\$4,487.04	\$4,711.39	\$4,947.04	\$5,194.39	\$5,454.11
Multi-Service Officer (MSO)	\$4,241.21	\$4,453.27	\$4,675.93	\$4,909.73	\$5,155.22	\$5,412.98
Community Service Officer	\$3,542.21	\$3,719.32	\$3,905.29	\$4,100.55	\$4,305.58	\$4,520.86
Police Records Specialist	\$3,439.07	\$3,611.02	\$3,791.57	\$3,981.15	\$4,180.21	\$4,389.22
Animal Control Officer	\$2,949.25	\$3,096.71	\$3,251.55	\$3,414.13	\$3,584.83	\$3,764.07
Police Cadet (per hour)* (High School Student)	\$8.80	\$9.24	\$9.70	\$10.19		
Police Cadet (per hour)* (Junior College Student)	\$10.70	\$11.24	\$11.80	\$12.39		
Police Cadet (per hour)* College Student	\$12.26	\$12.87	\$13.52	\$14.19		

*Note: The Police Cadet position is an internship therefore this position has a four-step salary range



CITY COUNCIL STAFF REPORT

MEETING DATE: October 20, 2004

Agenda Item # 9

Prepared By:

Deputy City Clerk

Approved By:

City Clerk

Submitted By:

City Manager

ADOPT ORDINANCE NO. 1699, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-03: DEWITT-LATALA FOR APPLICATION MMP 03-06: DEWITT-LATALA. (APN 773-08-012)

RECOMMENDED ACTION(S):

Waive the Reading, and **Adopt** Ordinance No. 1699, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

EXECUTIVE SUMMARY:

On October 6, 2004, the City Council Introduced Ordinance No. 1699, New Series, by the Following Roll Call Vote: AYES: Carr, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Chang.

FISCAL IMPACT:

None. Filing fees were paid to the City to cover the cost of processing this application.

ORDINANCE NO. 1699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-03: DEWITT-LATALA FOR APPLICATION MMP 03-06: DEWITT-LATALA. (APN 773-08-012)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

SECTION 2. The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

SECTION 3. The Planning Commission, pursuant to Title 18, Chapter 18.78.125 of the Municipal Code and Resolution No. 04-038, adopted April 13, 2004, has awarded allotments to a certain project herein after described as follows:

<u>Project</u>	<u>Total Dwelling Units</u>
MMP-03-06: DeWitt-Latala	4 Single-Family Homes

SECTION 4. References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill. These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

SECTION 5. The City Council hereby finds that the development proposal and agreement approved by this ordinance is compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

SECTION 6. Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

SECTION 7. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 6th Day of October 2004, and was finally adopted at a regular meeting of said Council on the 20th Day of October 2004, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

Irma Torrez, City Clerk

Dennis Kennedy, Mayor

∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1699, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 20th Day of October 2004.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: October 20, 2004

Agenda Item # 10

Prepared By:

Deputy City Clerk

Approved By:

City Clerk

Submitted By:

City Manager

ADOPT ORDINANCE NO. 1700, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL EXTENDING AND MODIFYING ORDINANCE NO. 1641, NEW SERIES, ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING

RECOMMENDED ACTION(S):

Waive the Reading, and **Adopt** Ordinance No. 1700, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

EXECUTIVE SUMMARY:

On October 6, 2004, the City Council Introduced Ordinance No. 1700, New Series, by the Following Roll Call Vote: AYES: Carr, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Chang.

FISCAL IMPACT:

No budget adjustment required.

ORDINANCE NO. 1700, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL EXTENDING AND MODIFYING ORDINANCE NO. 1641, NEW SERIES, ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING

WHEREAS, a goal of the Morgan Hill General Plan is to provide “a variety of housing types and densities available to all residents”; and,

WHEREAS, a goal of the Morgan Hill Affordable Housing Strategy is to provide a variety of housing for all income levels, specifically housing for moderate income levels; and,

WHEREAS, attached housing, including BMR units, provide housing opportunities for all income levels, but specifically for low and moderate income levels; and,

WHEREAS, construction liability insurance for projects with ownership attached housing continues to be unavailable to many local contractors and subcontractors; and,

WHEREAS, construction liability insurance for projects with ownership attached housing continues to be difficult to obtain and cost prohibitive for local developers; and,

WHEREAS, the insurance issue continues to impede Morgan Hill developers from fulfilling their Residential Development Control System (RDCS) commitments to provide below market rate (BMR) housing and attached housing in Morgan Hill; and,

WHEREAS, the Home Builders’ Association continues to work with the California Legislature to develop solutions to the insurance crisis relating to attached housing; and,

WHEREAS, as an alternative to attached housing, local developers requested the enactment of an ordinance to allow construction of modified setback dwellings, or dwellings physically separated but architecturally connected by a design element to give the appearance of attachment; and,

WHEREAS, modified setback dwellings will provide greater architectural continuity in neighborhoods consisting primarily of detached dwellings; and,

WHEREAS, the separation of attached units will allow for the addition of architectural features such as windows, which will enhance the appearance of the homes and improve the function of the interior spaces; and,

WHEREAS, the City reviewed all other alternatives to such ordinance, including a no action alternative, and determined that an ordinance allowing modified setback dwellings was the feasible solution to prevent significant delays in the construction of new housing in Morgan Hill; and,

WHEREAS, following a duly noticed public hearing the City Council adopted Ordinance No. 1641, New Series on November 5, 2003; and,

WHEREAS, should insurance products for attached housing become reasonably available again due to action of the California Legislature, Ordinance No. 1641, New Series was enacted for a limited time period; and,

WHEREAS, the limited time period of Ordinance No. 1641, New Series presents problems for RDCS applicants who are designing projects for time periods beyond the life span of Ordinance No. 1641, New Series, and thus are not sure whether to design attached or detached housing; and,

WHEREAS, in order to address this concern and assure consistency in RDCS competitions, the City Council deems it appropriate to extend Ordinance No. 1641, New Series, and apply its provisions to current RDCS competitions; and,

WHEREAS, in order to ensure design consistency in projects which are phased in through multiple RDCS competitions, it is advisable to allow projects which have approved detached housing products for which RDCS allocations are awarded, either pursuant to Ordinance No. 1641, New Series or this Ordinance, to continue to have that detached product throughout the project; and,

WHEREAS, testimony and exhibits received at a noticed public hearing having been duly considered,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The findings of Ordinance No. 1641, New Series are hereby incorporated as if set forth herein in their entirety.

SECTION 2. Section 10 of Ordinance No. 1641, New Series is hereby amended to provide:

“This Ordinance hereby allows developers to build modified setback dwellings in lieu of standard attached dwellings, subject to the following eligibility criteria:

a. Only *projects for which Measure P RDCS* allotments *were* awarded for Fiscal Year ~~2004-05~~ *2006-07* and earlier, and *also* allotments for which building permits are issued by June 30, ~~2005~~ *2007* are eligible for the modified setback dwellings, except as provided in Sections 15 through 19 of this Ordinance.”

SECTION 3. Section 11 of Ordinance No. 1641, New Series is hereby amended to provide:

“Modified setback dwellings shall be designed to comply with the following design standards:

- a. Duet units – a zero ***or three foot*** side yard setback is allowed on one side of one of the duet units.
- b. Single-family Attached Housing Consisting of Three Units - zero ***or three foot*** side yard setbacks are allowed on both sides of the center unit and on the outer side yards of the end units.
- c. Single-family Attached Housing Consisting of Four or More Units - lots for each unit shall be designed large enough to accommodate a zero ***or three foot*** setback on one side and a minimum three-ft setback on the other side.
- d. Minimum separation between dwellings shall be three feet.
- e. Maximum separation between dwellings shall be six feet, except as allowed under subparagraph (f), below.
- f. A maximum separation between adjacent dwellings shall not be required for modified setback dwellings on alternative lot configurations, such as z-lots or lots with off-set property lines, provided that the adjacent dwellings give the appearance of attachment from the public right-of-way.
- g. Side yard setbacks adjacent to single-family detached dwellings shall be a minimum of five feet.
- h. The side yard setback along the side street property line of a corner lot shall be a minimum of 15 feet.
- i. In no case shall front or rear yard setbacks be reduced to less than 20 feet in depth, unless previously approved by the City Council as part of an RPD Overlay District.
- j. Architectural treatment, such as a wing wall, trellis, staggered fireplaces along the separated wall of both units, or other similar treatment, shall be provided in between modified setback dwellings to give the appearance of attachment, although, the units will be physically detached.
- k. Should a fence be constructed between the modified setback dwellings, a gate shall be provided allowing access from the front yard to the side yard area.
- l. Eaves and overhangs may encroach over property lines, subject to compliance with building code standards and provided appropriate easements and Covenant, Conditions & Restrictions (CC&Rs) are recorded.
- m. A deed restriction shall be recorded over every modified setback lot prohibiting future building additions on either side of the homes, unless the additions comply with the site development standards of the underlying zoning district.
- n. For adjacent dwellings with minimum three-ft and maximum six-ft separations ***and where a zero setback is established for one of the units***, primary access and exclusive use of the adjoining side yard area shall be granted to the property owner with the greater side yard width. ~~In cases of equal side yard widths, the RPD shall identify to which property owner primary access and exclusive use is granted.~~ Secondary access shall be granted to the adjacent property owner for maintenance of the exterior wall. An easement shall be recorded over the adjoining side yard area granting access to the adjacent property owner for

maintenance of the exterior wall, and CC&Rs shall be recorded granting the exclusive and reasonable use of the adjoining side yard area to the appropriate property owner, with restrictions to minimize potential conflicts. ***Primary and secondary easements shall not be required in cases of equal side yard widths where a six foot building separation and three foot side yard is provided and the fence is located along the common property line. The three foot side yard area shall extend no more than 50 percent of the length of the side of the building.***

- o. A closed pipe system providing positive drainage shall be provided between modified setback dwellings.
- p. Rain gutters connected to a closed pipe drainage system shall be provided for all modified setback dwellings. CC&Rs shall be recorded requiring property owners to maintain rain gutters to minimize impacts to the adjacent property(ies).
- q. Modified setback dwellings shall be designed in full compliance with 2001 ~~Uniform~~ **California** Building Codes.
- r. All projects containing modified setback dwellings shall have an approved RPD Overlay Zoning.

SECTION 4. Section 15 of Ordinance No. 1641, New Series is hereby amended to provide:

“This Ordinance may be extended to allow modified setback dwellings for ***projects for which Measure P RDCS*** allotments ***were*** awarded for Fiscal Year ~~2005-06~~ **2007-08**, and ***also*** allotments for which building permits are issued by June 30, ~~2006~~ **2008**, subject to the approval of the City Council.”

SECTION 5. Section 16 of Ordinance No. 1641, New Series is hereby amended to provide:

“Projects ~~with~~ ***for which Measure P RDCS*** allotments ***were*** awarded for Fiscal Year ~~2004-05~~ **2006-07**, and ***also*** allotments for which building permits are issued by June 30, ~~2005~~ **2007** shall be subject to the requirements listed below. Should the City Council extend this Ordinance, allotments awarded for Fiscal Year ~~2005-06~~ **2007-08** and allotments for which building permits are issued by June 30, ~~2006~~ **2008** shall also be subject to the following requirements:”

SECTION 6. Projects which meet the following criteria may continue to incorporate single-family modified setback dwellings, as defined in Municipal Code section 18.04.156, beyond the expiration or termination date of Ordinance No. 1641, New Series and this Ordinance, if such projects meet the following criteria:

- a. The project is to be constructed in multiple phases, all of which are shown on a ~~Measure P RDCS~~ application submitted within the time frame of this Ordinance; and,
- b. The project receives ~~Measure P RDCS~~ allocations in the 2004-05, 2005-06, or 2006-07 competitions.

SECTION 7. This Ordinance and Ordinance No. 1641, New Series shall automatically expire and be of no further force and effect at the end of twenty-four (24) months after the date of this Ordinance, unless extended by the City Council

with appropriate findings and resolutions.

SECTION 8. The Council, upon appropriate findings, may revoke this Ordinance and Ordinance No. 1641, New Series prior to the expiration of the Ordinance. If no action is taken by the City Council, the Ordinance shall remain in effect until its expiration date.

SECTION 9. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 10. Effective Date; Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 6th Day of October 2004, and was finally adopted at a regular meeting of said Council on the 20th Day of October 2004, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

Irma Torrez, City Clerk

Dennis Kennedy, Mayor

∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1700, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 20th Day of October, 2004.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL MEETING
MINUTES – OCTOBER 6, 2004**

CALL TO ORDER

Mayor Pro Tempore Sellers called the special meeting to order at 5:32 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Carr, Sellers, Tate
Late: Mayor Kennedy (arrived at 5:35 in time for closed session discussion)
Absent: Council Member Chang

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council Action

CLOSED SESSIONS:

Mayor Pro Tempore Sellers announced the below listed closed session item.

1.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority	Government Code 54957
Public Employee Performance Evaluation:	City Attorney
Attendees:	City Council, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Pro Tempore Sellers opened the Closed Session item to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore Sellers adjourned the meeting to Closed Session at 5:34 p.m.

RECONVENE

Mayor Kennedy reconvened the meeting at 7:01 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Kennedy announced that no reportable action was taken in closed session.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor Kennedy, Rocke Garcia led the Pledge of Allegiance.

City Council Action

CONSENT CALENDAR:

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **Approved** Consent Calendar Item 1 as follows:*

1. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P. – JARVIS DRIVE APN 726-24-076 THRU 079.**
Action: 1) **Approved** the Subdivision Improvement Agreement; and 2) **Authorized** the City Manager to Sign the Agreement on Behalf of the City with Morgan Hill Development Partners, L.P., (APN 726-24-076 thru -079).

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the special meeting at 7:20 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK

**CITY OF MORGAN HILL
JOINT SPECIAL AND REGULAR CITY COUNCIL,
AND SPECIAL REDEVELOPMENT AGENCY,
AND SPECIAL MORGAN HILL FINANCING AUTHORITY MEETING
MINUTES – OCTOBER 6, 2004**

CALL TO ORDER

Mayor Pro Tempore/Vice-chairman/Vice-President Sellers called the special meeting to order at 5:32 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency/Commission Members Carr, Sellers, and Tate
Late: Mayor/Chairman/President Kennedy (arrived at 5:35 p.m.)
Absent: Council/Agency/Commission Member Chang

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency/Commission Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

Mayor Pro Tempore/Vice-Chairman Sellers announced the below listed closed session items.

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	4

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Pro Tempore/Vice-Chairman Sellers opened the Closed Session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore/Vice-Chairman Sellers adjourned the meeting to Closed Session at 5:34 p.m.

Mayor/Chairman Kennedy joined the Council/Agency Board in closed session.

RECONVENE

Mayor/Chairman/President Kennedy reconvened the meeting at 7:01 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Kennedy announced that no reportable action was taken in closed session and that the Council/Agency Board would reconvene to closed session upon the conclusion of the meeting's agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman/President Kennedy, Rocke Garcia led the Pledge of Allegiance.

PROCLAMATIONS

Mayor Kennedy presented a proclamation to Amy Molica and Perla Flores with Community Solutions recognizing October as *Domestic Violence Awareness Month*.

PRESENTATION

The presentation by Cynthia York with the Health Trust on the necessity of obtaining flu shots was deferred to a future meeting date.

CITY COUNCIL REPORT

Council Member Carr reported that the Finance & Audit Committee, consisting of Council Member Tate, City Treasurer Roorda and he, met last week. One of the items discussed by the Committee was Proposition 1A that will be on the November 2, 2004 ballot. He indicated that the Council asked that the Committee take a look at Proposition 1A to determine how it would affect the City's budget and the Five Year budget strategy that is supposed to bring the City's budget into structural balance. He stated that Proposition 1A is a result of a bipartisan agreement between the Governor and the State Legislature to provide some permanent protection and funding sources for local government. He said that when the State is in bad times and have a need to balance their budget, they frequently raid local government (e.g., cities, counties and special districts) from their funding. He indicated that Proposition 1A, over a number of years, will lock in the existing sales tax, property tax and the motor vehicle license fees that local governments receive as its financing source. In exchange, for the next two years, local governments will be shifting some of its funding to the State to balance the budget. In the outlying years, when the City's funding sources will be constitutionally protected, it will be vital to the City's effort to bring its budget into structural balance and to be able to provide necessary services. He stated that the Finance & Audit

Committee supports the City's endorsement of this proposition. He noted that there is a consent calendar item from the Legislative Subcommittee this evening that will have the similar recommendation. He stated that this coming Friday, October 8, Ann Sobrato High School will be celebrating its first homecoming celebration with a football game being held at the Live Oak High School field at 6:00 p.m. Live Oak High School will be celebrating its homecoming on Friday, October 15.

CITY MANAGER REPORT

City Manager Tewes reported that the Council has asked that he report on monthly testing of the City's water supply wells for the chemical perchlorate. He was pleased to report that this month's testing showed no detectible levels of perchlorate in the City's wells. This is consistent with the Council's direction that the City provide drinking water to the community that meets or exceeds the relevant State and Federal standards.

CITY ATTORNEY REPORT

Acting City Attorney McClure stated that he did not have a City Attorney's report to present this evening.

OTHER REPORTS

None.

PUBLIC COMMENT

Mayor/Chairman/President Kennedy opened the floor to public comment for items not appearing on this evening's agenda.

Ms. Barker indicated that individuals are aware that Governor Schwarzenegger has signed Senate Bill 1161, the library bill that will be on the June 2006 ballot. She recommended that the City proceed with its library on schedule without waiting for the bill. It was her belief that if the City waited for this bill, it would mean that the community would not have a new library before the year 2009 or 2010. She acknowledged that the City is waiting for the October 29, 2004 date to hear whether it was successful in receiving library funding.

City Manager Tewes stated that staff will be presenting a library report to the Council on October 27. He said that staff has been advised that the State Library Board will be meeting on November 29 and 30 at which time staff expects to hear the results of the round 3 library bond application.

Ms. Barker stated her support of waiting to hear the results of the City's round 3 application but not waiting for any actions further than the November 29/30 date.

Mayor Kennedy stated that a wonderful event was experienced last Thursday evening at the City's aquatics center where three Olympic athletes were in attendance: Michael Phelps, Ian Crocker and Lenny Creselberg. These three Olympians gave an awesome performance. He estimated that there were over 1,200 individuals attending this event. He stated that the Olympians were incredible with the youths and families in attendance, provided swim demonstrations and participated in a relay with local swim teams. He said that he was pleased that the City was able to invite and get the Olympians to come to the City's aquatics center.

No further comments were offered.

City Manager Tewes requested that the Council consider both the consent calendar of the regular and special meeting that has been called to order earlier this evening.

City Council Action

CONSENT CALENDAR:

Mayor Pro Tempore Sellers requested that item 2 be removed from the Consent Calendar.

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **Approved** Consent Calendar Items 1, 3-15 as follows:*

1. **TEMPORARY APPOINTMENT TO SOCCER SUBCOMMITTEE**

Action: **Appointed** Mayor Dennis Kennedy as a Temporary Replacement for Council Member Hedy Chang on the Soccer Subcommittee.

3. **EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY**

Action: **Approved** the Second Amendment to the Employment Agreement with the City Attorney, Extending the Term of the Agreement to September 1, 2006.

4. **SECOND AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM**

Action: **Authorized** the City Manager to Execute a Second Amendment to Agreement with the Strombotne Law Firm.

5. **SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**

Action: **Authorized** the City Manager to Execute a Second Amendment to Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.

6. **APPROVAL OF REIMBURSEMENT AGREEMENT WITH PRAVIN PATEL FOR 16995 CONDIT ROAD**
*Action: **Approved** an Appropriation of \$41,313 from the Current Year Unappropriated Measure C – Capital Improvement Project Fund Balance for Reimbursement of Installation of Curb and Gutter, Sidewalk, Street Pavement, Striping, and Electroliers along the Southeast Frontage of 16995 Condit Road; and 2) **Authorized** the City Manager to Execute the Reimbursement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.*
7. **REUSE GRANT AUTHORIZATION**
*Action: 1) **Adopted** Resolution No. 5847, Authorizing the Submittal of Reuse Grant; and 2) **Authorized** the City Manager to Execute all Necessary Documents; Including, but not Limited to, Applications, Agreements Subject to Review and Approval of City Attorney, Amendments, and Payment Requests to Secure Grant Funds and to Implement and Carry Out the Purposes Specified in the Grant.*
8. **APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR THE BUTTERFIELD BOULEVARD NORTH CONNECTION FEASIBILITY STUDY**
*Action: **Authorized** the City Manager to Execute an Amendment in the Amount of \$11,120 to the City's Professional Services Agreement with Fehr and Peers to Study Alignment and Rail Crossing Alternatives for the Northerly Segment of Butterfield Boulevard.*
9. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P. – SUTTER PLACE, APN: 726-25-012 & 029**
*Action: 1) **Approved** the Subdivision Improvement Agreement; and 2) **Authorized** the City Manager to Sign the Agreement on Behalf of the City with Morgan Hill Development Partners, L.P., Digital Drive (APN: 726-25-012 & 029).*
10. **RECISSION OF WATER SUPPLY EMERGENCY RESOLUTION AND STATUS OF PERCHLORATE REMOVAL PLANTS**
*Action: 1) **Adopted** Resolution No. 5848, Ending the Water Supply Emergency; and 2) **Accepted** the Status Report on Perchlorate Removal Plants.*
11. **ADOPT ORDINANCE NO. 1695, NEW SERIES**
*Action: **Waived** the Reading, and **Adopted** Ordinance No. 1695, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM ML, LIGHT INDUSTRIAL TO PLANNED UNIT DEVELOPMENT FOR A 7.72-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF COCHRANE ROAD AND MADRONE PARKWAY IN THE MADRONE BUSINESS PARK (APN 726-33-028)(ZA-04-11: COCHRANE – TBI)***

12. ADOPT ORDINANCE NO. 1696, NEW SERIES

Action: Waived the Reading, and Adopted Ordinance No. 1696, New Series, and Declared That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM PUD, RESEARCH AND DEVELOPMENT/MANUFACTURING TO PUD, R3 MEDIUM DENSITY RESIDENTIAL FOR TWO PARCELS TOTALING 15.78 ACRES IN SIZE, LOCATED AT THE SOUTHEAST CORNER OF COCHRANE ROAD AND MONTEREY ROAD IN THE MORGAN HILL RANCH BUSINESS PARK (APNs 726-25-076 & -077) (ZA-04-09: BUTTERFIELD – SOUTH VALLEY DEVELOPERS).

13. ADOPT ORDINANCE NO. 1697, NEW SERIES

Action: Waived the Reading, and Adopted Ordinance No. 1697, New Series, and Declared That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A SET OF DEVELOPMENT STANDARDS AND ARCHITECTURAL GUIDELINES FOR THE DE PAUL (FORMERLY SAINT LOUISE) HEALTH CENTER. (APNs 728-031-005, 006, 012 & 013) (ZA-04-02: COCHRANE-ASSISTED LIVING CENTER).

14. ADOPT ORDINANCE NO. 1698, NEW SERIES

Action: Waived the Reading, and Adopted Ordinance No. 1698, New Series, and Declared That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT WITH DAN GAMEL, INC. FOR THE EXPANSION OF DAN GAMEL'S MORGAN HILL RECREATIONAL VEHICLE (RV) CENTER.

15. RE-BUDGETING 2003-2004 PROJECTS/PROGRAMS

Action: Approved the Re-budgeting of 2003-2004 Project/Program Costs in the 2004-2005 Budget.

2. REPORT OF THE LEGISLATIVE SUBCOMMITTEE

Mayor Pro Tempore Sellers confirmed that the Finance & Audit Committee supports Propositions 1A in this fall's ballot and recommends citizen support. Passage of Proposition 1A would provide stability to the City's revenue that is vital and will make it difficult for the State to take funds from local government to balance the State's budget in the future. He stated that the Committee also recommends Council support of Proposition 59 as this proposition would require that cities adhere to higher standards.

Mayor Kennedy stated that it was his understanding that Proposition 65 was the original local government initiative measure that was brought forward to protect local government revenues,

especially for public safety purposes. With Proposition 1A being jointly agreed to by local governments consisting of counties, cities and special districts, Proposition 65 is no longer necessary. It was his understanding that voting yes on Proposition 1A would be the recommended vote.

Council Member Carr clarified that Proposition 65 was brought forward by cities, counties and special districts where Proposition 1A is an effort by the Governor and the Legislature in agreeing with cities, counties and special districts on a mechanism similar to Proposition 65. He clarified that it is being recommended that the City support Proposition 1A.

Mayor Pro Tempore Sellers stated that the League of California Cities took a position against Proposition 65 while others have stated that both propositions should be supported. He said that the Legislative Subcommittee is recommending that the City take a position on Proposition 1A and not make a recommendation on Proposition 65.

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Chang absent, **Supported** Recommendation of Proposition 1A and Proposition 59 on the November 2, 2004 Statewide Ballot.*

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member Tate and seconded by Mayor Pro Tempore/Vice-chairman Sellers, the City Council/Agency Board, on a 4-0 vote with Council Member Chang absent, **Approved** Consent Calendar Items 16 and 17, as follows:*

16. **JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 15, 2004**

Action: ***Approved** the Minutes as Written.*

17. **JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 22, 2004**

Action: ***Approved** the Minutes as Written.*

Action: *As the Council has a policy of considering public hearing items on or after 7:30 p.m., the Council agreed to consider item 20 at this time.*

City Council Action

OTHER BUSINESS:

20. LIVESTOCK REGULATIONS

City Manager Tewes presented the staff report, indicating that the City has long standing regulations that indicate that certain livestock are limited in residential and commercial zoning districts to only those properties that exceed one acre in size. He stated that there are limitations on the number of such animals (e.g., goats, horses) that may be housed on such property not exceeding two per acre as a matter of right. Further, the code provides that if a property owner wishes to exceed, this number, they need to apply for a special permit to be granted by the Council upon the finding that these additional animals would not adversely impact surrounding neighborhoods. He indicated that the Mayor has asked that the Council consider amending the animal ordinance to increase the number of animals to be allowed by right. Should the Council agree to amend the ordinance, he stated that it would be procedurally correct to refer this matter to the Planning Commission whose recommendations the Council needs before amending the zoning codes.

Mayor Kennedy stated that he spoke with Mr. Dutra during the code enforcement actions process that was initiated by complaints from surrounding residents. He indicated that he also spoke with the City's code enforcement officer. He stated that one of the concerns that Mr. Dutra raised was the high cost of going through the process of obtaining a special permit for additional livestock, noting that the parcel consists of approximately five acres. He said that he was told that a special permit would cost \$3,000-\$4,000 to go through the process as the special permit would need to be reviewed by staff, the Planning Commission, and the City Council. He felt that this fee was an excessive burden to an individual since citizens of Morgan Hill pride themselves for living in a rural community where there are a lot of animals and open space. These are the reasons he brought this matter forward for Council consideration.

City Manager Tewes indicated that City staff does not have a recollection of ever receiving an application for a special permit to exceed the number of livestock beyond two. Therefore, the City does not have an established fee. He said that the \$3,000 fee is the approximate cost to process a temporary use permit. He stated that in the memorandum to the Council, staff indicates that it would be the City's practice to collect a deposit and process the application on a time and material basis. He acknowledged that there would be costs associated with processing the special permit application.

Mayor Kennedy opened the floor to public comment.

Natasha Wist stated that she resides across the street from Mr. Dutra. She did not know of any neighbors who surround her who are opposed to Mr. Dutra having animals. However, she finds it interesting that the City has spent time and tax payers' money to hound her elderly neighbor, Mrs. Humphrey, whose late husband built their modest home on acreage they acquired 50 years ago. She said that staff has found time to harass her neighbor, Mr. Dutra, because of seven pet goats on a five acre parcel across the street from her. At the same time, the neighborhood finds that corporate interests in the name of a car

dealership is quietly convincing the Council to change the general plan and do away with the proscribed buffer zone between single family homes and the commercial zone. She stated that a street connecting the commercial zone to the residential neighborhood is also planned. She felt that this would destroy the atmosphere and the environment of Diana Avenue. She stated her support of the seven goats, two horses and mules as they gave the neighborhood children a pleasant experience of rural living before they were evicted.

Dion Bracco informed the Council that he is a friend of Mr. Dutra. He stated that the City has surrounded Mr. Dutra's five acres by large million dollar homes. He did not believe that the City's regulations were in line with that of the County. He stated that it was his belief that the County allows two large animals per acre. He said that neighborhood children get their own petting zoo. He did not believe that it was fair that a few angry/spiteful neighbors who moved into Morgan Hill from other areas want to change the neighborhood to suit their needs. He requested that the Council take this situation into consideration.

Frances Dutra, daughter of Mr. Dutra, indicated that it was her belief that a neighbor to the rear is part of the effort to remove the animals because the neighbor wanted to build a pool for her children. The neighbor was informed that the property was not for sale because the family does not own the property. She felt that the neighbor had a problem with the land not being sold to them, and therefore complained about the animals. She felt that the neighbors have taken a part of her family away. She felt that the complaint arose from the greed of a couple of neighbors to add more value to their property. She stated that she would like to have her animals back.

No further comments were offered.

Mayor Kennedy indicated that it would be his recommendation to forward this item to the Planning Commission so that they can hear the issues and return to the Council with a recommendation. The Planning Commission could recommend how to implement the animal ordinance. He further recommended that the Planning Commission take a look at the County's ordinance to see if it makes sense for the City of Morgan Hill to be consistent with their ordinance and to perhaps include a grandfather provision for situations similar to Mr. Dutra's case where animals may have been in a location for many years.

Council Member Tate recommended that the Planning Commission return to the Council with an implementation plan that would allow Mr. Dutra to get to where he was with his animals. He felt that there should be a provision in the ordinance that would allow an individual to have more animals, the larger the parcel.

Council Member Carr requested clarification as to whether the Mayor was requesting that the Planning Commission recommend that a property owner, by right, be allowed to have a larger number of animals on a larger piece of property without the need for permits. He stated that he would support a grandfather clause, especially if the City was growing around a property owner who had animals for a long time. However, it was his hope that the Council instructs the Planning Commission to create a mechanism

where the City can look at individual situations. He noted that Mr. Dutra is renting the property from someone else and that he appears to be a good neighbor. However, he did not believe that this would always be the case. By granting an individual the right to keep a lot of animals in the middle of Morgan Hill may result in being surrounded by neighbors who will be upset with a property owner who does not take care of their animals, resulting in the City being placed in a difficult position. He would like the Council to ask the Planning Commission to return with a recommendation where the City would look at individual circumstances, through a permit process. If it is a fee issue that is a problem with the permit process, he recommended that the Council look at this as the issue and not automatically assume that the City should give the right to allow several animals on a small or large piece of property. This will allow the City to have some control over the permit. When the City has a good neighbor, the City can authorize the additional animals and when there are bad neighbors, the City has the ability to deny the extra animals.

Council Member Sellers felt that it made sense for the Council to look at this particular situation as it is unique. He stated that he was contacted by Mr. Dutra as well. He indicated that he is the only individual on the Council who has lived in the City limits and had large animals when he was younger. When he was younger, everyone who had large animals understood that no one would come out and give families a hard time about the large animals. If there was a problem with a neighbor, the situation had to be dealt with. He felt that this was a difficult situation and that one of the problems being experienced is that the Council does not know who complained about the situation. If this is a situation that resulted in a complaint by a vindictive individual, it is one thing. However, if it is a lot of individuals who have concerns about the number of large animals, it would be a different situation. He stated that he would like to help Mr. Dutra in this particular situation as it is a unique situation. However, he did not believe that it made sense to change the zoning on the property. He noted that the property under discussion is located in the middle of town and has been a part of Morgan Hill since its incorporation. He said that the rural atmosphere that everyone likes about Morgan Hill is changing and that this needs to be understood. He did not recommend changing the ordinance similar to that of the County because Morgan Hill is a different place. He said that he would like to hear from the Planning Commission on how the City can help in this particular situation (e.g., grandfather the animals). He did not believe that changing the ordinance makes sense because the City is heading in the opposite direction and would be creating problems for future councils.

Council Member Tate stated that he is bothered by the fact that the City is not addressing the number of large animals that would be allowed based on lot size. He did not believe that the lot ratio per large animals is addressed in the current animal ordinance and felt that it should be addressed so that the City does not have to review every single situation.

Mayor Pro Tempore Sellers understood the concern as expressed by Council Member Tate and felt that addressing the issue by grandfathering the situation would be more appropriate. He said that the City would be buying trouble if the animal ordinance is changed. He felt that grandfathering the use of a parcel with a number of large animals would afford greater latitude.

Mayor Kennedy said that it was his belief that it would be appropriate to allow additional animals on larger parcels, even if located within the City limits. He recommended that the Council forward this matter to the Planning Commission. The Planning Commission can take a look at the animal ordinance, hear from the public, and look at ordinances from other cities as well as the County's ordinance. The Planning Commission to return to the Council with a recommendation(s).

Council Member Carr clarified that he did not believe that it was a bad idea for the Planning Commission to have the discussion. He said that the only way the City finds out problems exist with ordinances is when a situation similar to this arises and that it was appropriate to look at the ordinance(s). He felt that review by the Planning Commission and receipt of public testimony will result in a good discussion by the Council in the future. He felt that the Council needs to be clear that what it is talking about is a unique situation that the City wants to remedy.

Mayor Kennedy said that it was his belief that the Council agrees that Mr. Dutra's issue should be grandfathered. However, he felt that the Council was divided on the question about having a graduating scale of the number or large animals that would be allowed based on parcel size.

Action: *On a motion by Council Member Tate and seconded by Mayor Kennedy, the City Council, on a 4-0 vote with Council Member Chang absent, **Directed** staff to refer the animal ordinance to the Planning Commission.*

City Council Action

PUBLIC HEARINGS:

18. DEVELOPMENT AGREEMENT, DA-04-03: DeWITT-LATALA – Ordinance No. 1699, New Series

Planning Manager Rowe presented the staff report, indicating that the development agreement is for the subdivision of a 1.45 acre parcel located on the west side of DeWitt Avenue, south of West Dunne Avenue.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **Waived** the Reading in Full of the Development Agreement Ordinance No. 1699, New Series.*

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council **Introduced** Ordinance No. 1699, New Series, by Title only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA-04-03: DEWITT-LATALA FOR APPLICATION MMP-03-06: DEWITT-LATALA (APN 773-08-012), by the following***

roll call vote: AYES: Carr, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Chang.

19. ZONING AMENDMENT, ZAA-03-13: CITY OF MORGAN HILL – ATTACHED HOUSING ZONING TEXT – Ordinance No. 1700, New Series

Planning Manager Rowe presented the staff report, stating that the Council adopted Ordinance No. 1641, New Series, in November 2003. This ordinance allowed for attached units to be separated a minimum of three and a maximum of six feet to address the concern of the continued high cost of obtaining construction liability insurance for attached housing. The Council has received testimony indicating that there is still a need for this ordinance. He informed the Council that the Planning Commission is recommending a two-year extension and amendment to Section 11 of Ordinance No. 1641. The amendment would allow a fence to be centered between the two homes, creating two, three foot side yards. He clarified that the buildings would be constructed six feet apart and would not require a fire rated wall nor would the fence located three feet from both homes.

Mayor Kennedy opened the public hearing.

Scott Schilling informed the Council that developers appreciated the opportunity to work with staff and the Planning Commission in the desire to work out difficult issues associated with Ordinance No. 1641. He said that the three foot side yard area has a length of 15 feet and that there is an access door from the garage going into the three foot side yard area. This provides good access in and out of the area, opening up to five foot side yards beyond the garage door, typical to a normal residential situation. He clarified that if a building is beyond five feet, the one hour construction is not required. Through the Measure P competition, there are significant fire rating materials being proposed without any additional construction requirements on the walls and the roofing elements of the units. He indicated that developers are requesting Council consideration on this item this evening.

No further comments being offered, the public hearing was closed.

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Chang absent, **Waived** the Reading in Full of the Zoning Amendment Ordinance No. 1700, New Series.*

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1700, New Series by Title only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL EXTENDING AND MODIFYING ORDINANCE NO. 1641, NEW SERIES, ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING**, by the following roll call vote: AYES: Carr, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Chang.*

City Council and Redevelopment Agency Action

OTHER BUSINESS:

21. LEASE WITH THE CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA)

Business Assistance and Housing Services Toy presented the staff, indicating that this is potential lease extension with the CYSA. He stated that the lease expires at the end of December 2004 and that staff would like Council/Agency direction on how to proceed with the lease extension negotiations. He indicated that staff would like direction on three issues: 1) would the City want to extend the lease and if so, for how long. 2) Direction on the flexibility and negotiations with CYSA on the City's proposal to develop a parking lot on the soccer complex to serve as overflow parking for the aquatics center. This would result in the loss of one soccer field. 3) Confirm that the terms of the existing lease are acceptable to the Agency. He informed the Council/Agency Board that CYSA has indicated that operationally, any lease extension needs to be at least 10-months. The Parks & Recreation Commission will be reporting back to the Council in November 2004 about its phasing plan for the sports complex. If the Council/Agency approves the phasing plan, the City can begin construction of phase I sometime in fall 2005. He informed the Council that there are two key terms: 1) the current rent is slightly over \$25,000 per year and increases by the CPI; and 2) the City currently has the ability to use the facility twice a week from June to November to supplement recreational programming at the aquatics center. He stated that the City is proposing to develop a parking lot on the soccer complex. It is proposed to locate the parking lot on the soccer field closest to the aquatics facility. This would result in the CYSA organization losing the operation of one field. He indicated that CYSA is evaluating the impacts of the loss of the one soccer field. He informed the Council that Rich Pinell with the CYSA organization was in attendance to address this concern. He said that the San Jose Soccer Complex Foundation anticipates being able to complete its facility on the Sobrato site some time in 2006. This being the case, there may be a possibility that Morgan Hill could be without a soccer complex should the Council/Agency decide to approve only a 10-month extension and construct a sports complex prior to the completion of the regional soccer complex on the Sobrato site.

Mayor Pro Tempore/Vice-chair Sellers stated that it was his impression that it would take longer to build the soccer complex next to Sobrato beyond 2006.

Mr. Toy stated that the 2006 date was given as the best case scenario and that it may take longer to build the soccer complex.

Mayor/Chairman Kennedy said that it was his understanding that the Sobrato soccer complex could start construction in August 2006.

Council/Agency Member Carr inquired whether the parking lot would be included in the plans being discussed by the Parks & Recreation Commission for the site or whether this would be a temporary parking lot.

Mr. Toy responded that it was his belief that the parking lot would be interim and that he did not know how it would fit into the future sports complex plan.

Mayor/Chairman Kennedy opened the floor to public comment.

Rich Pinell said that until the Sobrato soccer complex site is built, CYSA believes that its needs would be served well by having the Morgan Hill soccer complex under its control. To turn over the soccer complex to the City at this time creates a burden for it to maintain the facility. He said that CYSA would maintain the fields in a playable condition. He felt that an extension of the agreement would serve both groups well as the City is not ready to build the new sports complex on the facility and the Sobrato soccer complex is not ready to move forward. He said that it will be a while before that facility is ready to use. Even if the Sobrato soccer complex began construction in 2005, it would not be playable until spring 2006. He stated that CYSA would be willing to attempt to negotiate a lease for 10 months or more based on the City's needs in terms of moving forward with the outdoor sports complex. He said that CYSA is open to possibilities. As the fields of the complex go away, the CYSA would be less likely to want to pay the current rate. However, all these points can be worked out. He said that the minimal workable lease is through the end of October 2005/mid-November 2005 as the CYSA spends a lot of money and effort in getting the facility ready for use throughout the year. He stated that it would not make sense to enter into a six-month lease agreement.

Council/Agency Member Carr said that it appears that a 10-month lease makes a lot of sense both in terms of the City's internal planning and the CYSA's need for its playing season. He inquired whether the installation of a parking lot would be manageable or whether the loss of the field would impact CYSA.

Mr. Pinell said that reducing the fields would impact CYSA's revenue stream but that it would not be a deal breaker.

Council/Agency Member Carr expressed concern regarding the down time from when the City wants to develop the site for future uses and when the Sobrato site will be ready for use. He inquired how the City would know that the Sobrato site will be the home for CYSA.

Mr. Pinel said that if the Sobrato site does not work, CYSA would find other places to play. He indicated that CYSA extends from Fresno to the Oregon border and from the coast to the Nevada border. He said that CYSA has started to lock up sites for the late winter/early spring next year. It is already known that the Morgan Hill site will not be used as much as it has been in the past because CYSA had to protect their programs for next year. If CYSA does not have the Morgan Hill site to work with, CYSA will still survive as a "playing organization." He said that he did not believe that the City would be building in the winter of 2005 and that CYSA would want to play on the fields during that time period.

No further comments were offered.

Mayor Pro Tempore/Vice-chair Sellers recommended that the City negotiate a 10-month agreement through next year with the CYSA. He inquired whether there will be an opportunity to lease some of the fields at the existing site. He stated that plans are being reviewed by the Parks & Recreation Commission that include softball/soccer fields as well as other recreational uses. He noted that the City of San Jose is moving at a slow pace and felt that there were a lot of issues to resolve with the Sobrato site. He stated that the City of Morgan Hill's interest is to have a long term relationship with the CYSA and continue to have their significant resources. He felt that it was important to have conversations with CYSA and assist them in returning to the community. He said that there is a significant impact on parking at the aquatics center. Adding parking would be beneficial for the soccer organization as well. He felt that elimination of one soccer field would be minimal. He did not believe that it made sense to significantly change the terms of the lease, staying with the CPI.

Mayor/Chairman Kennedy noted that a 10-month lease would not allow play through mid-November 2005. He inquired whether the duration of the lease should be longer to allow significant play time to occur.

Mr. Pinell stated that he would support a 10-month lease and then talk about a month to month lease, based upon the City's construction plans for the new sports complex. He said that CYSA may have a need for the facility for a few weekends in January and February 2006. Use of the existing soccer fields during this time may be beneficial to all as the CYSA would continue to maintain the facility and the City would not need to take over the maintenance responsibility of mowing the fields. He would agree to a flexible agreement.

Council/Agency Member Carr concurred with a 10-month lease and then a month to month lease thereafter. He said that when the Council has its discussion on the report from the Parks & Recreation Commission, the Council can look at the construction timeline and how construction will be phased. Should the City not be ready to begin construction in Spring 2006 or if construction takes place in phases, there should be discussion about leaving enough fields available for play as this appears to be the time that the CYSA would be most homeless. He felt that keeping the soccer games close to Morgan Hill would be a great advantage.

Council/Agency Member Tate concurred that the City needs to keep in sync in its discussions with CYSA and consider these facts as the City reviews the plans for the sports fields.

Mr. Toy said that staff would like to negotiate the location of a parking lot to be built on the one field closest to the aquatics center.

Action: *On a motion by Council/Agency Member Tate and seconded by Mayor Pro Tempore/Vice-chairman Sellers, the City Council/Agency Board, on a 4-0 vote with Council/Agency Member Chang absent, **Authorized** staff to: 1) negotiate a 10-month lease with a month to month extension; 2) negotiate an agreement that would allow the City to build an extension of a parking lot on the one soccer field closest to the aquatics complex; and 3) terms of the agreement to remain the same.*

City Council and Finance Authority Commission Action

OTHER BUSINESS:

22. ISSUANCE OF BONDS FOR WATER PROJECTS Resolution Nos. 5849 and MHFA-5

Finance Director Dilles presented the staff report, including the proposed bond documents for the water project(s). He indicated that Richard Morales, the City's Financial Advisor, was in attendance to answer any questions the Council may have regarding interest rates or the bond structure.

Mayor/President Kennedy opened the floor to public comment.

Mayor Kennedy inquired as to what point the interest rate would be locked in.

Richard Morales informed the Council that the closing date will be October 28 and that interest rates would be locked in at that point. He stated that this would be a 30-year bond. He stated that this is a good time to borrow as the interest rates have been low over the last several years and that they continue to be favorable. He indicated that at this time, an entity can borrow on a 30-year paper for under 5%. He felt that the interest rates will be comparable to that of the police lease revenue bond financing and that it was his belief that rates would be going up in the future.

No further comments were offered.

Acting as City Council:

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Chang absent, **Adopted** Resolution No. 5849, Approving as to Form and Authorizing the Execution and Delivery of Certain Documents in Connection with the Sale and Issuance of Morgan Hill Financing Authority Water Revenue Bonds.*

Acting as Financing Authority:

Action: *On a motion by Vice-President Sellers and seconded by Commissioner Carr, the Financing Authority Commission, on a 4-0 vote with Commissioner Chang absent, **Adopted** Resolution No. MHFA-5, Authorizing the Issuance, Sale, and Delivery of Water Revenue Bonds and Approving Certain Documents.*

Acting as City Council:

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Chang absent, **Authorized** the City*

Manager, on Behalf of the City, to Enter Into Agreements With RBC Dain Rauscher Inc. for Financial Advisory Services and with Richards, Watson & Gershon for Bond Counsel/Disclosure Counsel Services, Subject to Review and Approval by the City Attorney.

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

RECONVENE TO CLOSED SESSION

Acting City Attorney McClure announced that the Council would be discussing the City Manager's performance evaluation in closed session.

Mayor Kennedy adjourned the meeting to Closed Session at 8:17 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 9:29 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Kennedy announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business, Mayor/Chairman/President Kennedy adjourned the meeting at 9:30 p.m.

MINUTES RECORDED AND PREPARED BY:

**IRMA TORREZ, CITY CLERK/
AGENCY SECRETARY/COMMISSION SECRETARY**



CITY COUNCIL STAFF REPORT
OCTOBER 20, 2004

Agenda Item # 13

Prepared By:

**Council Services &
Records Manager**

Submitted By:

City Manager

SAN MARTIN LOCAL DECISION-MAKING ACTIVITIES

RECOMMENDED ACTION(S):

1. Receive presentation from the San Martin Neighborhood Alliance (SMNA) Incorporation Committee on San Martin's Local Decision-Making Activities;
2. Consider SMNA Incorporation Committee's request to adopt a Resolution in support of LAFCO starting the incorporation process investigations; and
3. Direct staff to return with a resolution supporting SMNA Incorporation Committee's efforts for incorporation

EXECUTIVE SUMMARY:

A request has been received from Sylvia Hamilton, president of the San Martin Neighborhood Alliance (SMNA) Incorporation Committee to address the City Council regarding the decision-making efforts and activities of the SMNA Incorporation Committee. Ms. Hamilton has provided the City Council with two packets: 1) San Martin Local Decision Making Activity Summary dated October 24; and 2) Final Report – Initial Fiscal Analysis of the Proposed Incorporation of San Martin dated July 2003.

Should the Council support the SNMA Incorporation Committee's efforts for incorporation by resolution, staff will return to the Council with a resolution incorporating the appropriate findings.

FISCAL IMPACT: No fiscal impacts.



CITY COUNCIL STAFF REPORT

OCTOBER 20, 2004

CONSIDER PROCEDURES TO RESOLVE TIE VOTE(S)

RECOMMENDED ACTION(S):

1. Receive and file the staff report, thus allowing any tie vote of two or more persons receiving an equal and highest number of votes to be resolved by lot;
or
2. Adopt Resolution, providing for the conduct of a Special Runoff Election for elective offices in the event of a tie vote at any Municipal Election.

Agenda Item # 14

Prepared By:

Council Services &
Records Manager

Submitted By:

City Manager

EXECUTIVE SUMMARY:

The City of Morgan Hill will be conducting a Municipal Election on November 2, 2004 to elect a Mayor, two Council Members, a City Clerk and a City Treasurer. Staff would like to discuss how the Council would like to resolve a tie vote, should one occur.

Tie votes.

Elections Code § 15651 -- Determination by Lot; Runoff Election states that if at an election, two or more persons receive an equal and the highest number of votes for an office, a tie vote shall be determined by lot unless the City decides to resolve a tie vote by conducting a special runoff election. This section of the Elections Code states that **"A special runoff election shall be held only if the legislative body adopts the provisions of this subdivision prior to the conduct of the election resulting in the tie vote. Should the Council decide to call for a special runoff election in the event of a tie vote, all future elections conducted by the City will be resolved by the conduct of a special runoff election, unless the City Council later repeals the authority for the conduct of a special election."**

If a special runoff election is held pursuant to this Section of the Elections Code, the Council will need to call for the runoff election to be held in the City on a Tuesday not less than 40 nor more than 125 days after the Council certifies the election that resulted in a tie vote. If an election is to be held throughout Santa Clara County within this time period, the special runoff election could be held on the same day as, and consolidated with that election. In the event that the Council decides to hold a special election to resolve a tie vote, the incumbent mayor and/or council member will serve in office until the election resolves the tie vote.

If the Council receives and files this staff report, any potential ties among those candidates receiving the highest number of votes would be resolved by lot (e.g., coin toss, draw straws, drawing of names).

In checking with the Registrar of Voters, they do not recall that an election resulted in a tie vote in the past eight years.

FISCAL IMPACT: No fiscal impact if a tie vote is resolved by lot. The Santa Clara County Registrar of Voters Office has indicated that a runoff election could cost up to \$177,860 (approximation based on a July 2004 estimate). This cost can be less if the special election can be consolidated with other jurisdictions. Funding for a special election would need to be allocated from the City's General Fund reserve.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION UNTIL REPEALED.

WHEREAS, § 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to § 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the city, there shall be held within the city a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than 40, nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 2. That the provisions of Section 1 shall apply at the next ensuing municipal election and at each municipal election thereafter until repealed.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 20th Day of October, 2004 by the following vote.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

DENNIS KENNEDY, Mayor

🏛️ CERTIFICATION 🏛️

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Regular Meeting held on October 20, 2004.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk